

In the Matter of )  
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Broadcast Localism ) MB Docket No. 04-233  
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1.     *Enhanced Disclosure.* The Commission states that the record in this proceeding, particularly that portion amassed during the series of public hearings conducted across the country, suggests that current disclosure is inadequate and many individuals may be unaware of the breadth of their community licensees' locally oriented programming. This conclusion reached by the commission, with respect to small market radio is totally invalid, erroneous, and doesn't take cognizance of the fact that small market radio stations must be in complete, close and immersed contact with their communities in order to survive. The Commission has inquired as to whether radio licensees should also be subject to enhanced disclosure requirements that are the same or similar to television licenses. The Commission concluded that many in the public do not understand the Commission's license renewal process or, more particularly, that the procedure affords listeners and viewers a meaningful opportunity to provide their input through the filing of a complaint, comment, informal objection, or petition to deny a renewal application. This conclusion by the Commission is not borne out by the facts. In a small market radio community the listeners and all citizens know that if they have any complaints or questions regarding the station they can either contact the station, by phone, letter, or e-mail, or they can carry their comments or complaints to the FCC directly. Therefore, for small market radio these enhanced disclosure requirements are quite unnecessary, and create a time burden on small market personnel.

2.     *Renewal Application Pre- and Post-Filing Announcements.* The Commission is proposing a change the existing rules governing the so-called “pre-filing and post-filing announcements” that licensees must air in connection with their renewal applications. In addition to the existing requirement for on-air announcements about soon-to-be-filed and pending license renewal applications, the Commission asks whether there should be a requirement that the same information be posted on a licensee’s website during the relevant months (i.e., the posting begins on the sixth month before the license is due to expire and remains in place until after the deadline for filing petitions to deny the renewal application), and broaden the required language for these announcements contained in 47 C.F.R. § 73.3580(d)(4)(i), which currently provides the Commission’s mailing address as a source of information concerning the broadcast license renewal process, to include the agency’s website address. Moreover, where technically feasible, the Commission seeks comment on whether a licensee’s on-line provision of the Commission’s web address could be linked directly to these places on the agency’s website.

This is an unnecessary and burdensome task for small market radio. We don't need the Commission adding to our ever-increasing workload from bureaucratic reports.

3.     *Community Advisory Boards.* The Commission’s former ascertainment requirement directed broadcasters to comply with detailed, formal procedures to

determine the needs and interests of their communities, at the time that they initially sought their station authorizations, asked for approval to obtain a station, and sought license renewal. The Commission believes that new efforts are needed to ensure that licensees regularly gather information from community representatives to help inform the stations' programming decisions including regular, quarterly licensee meetings with a board of community advisors and improved access by the public to station decision makers. The Commission proposes that each licensee should convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station.

We disagree with the Commission's conclusion regarding the necessity of Advisory Boards for small market radio stations like ours. As pointed out elsewhere in this response, it is a matter of survival for small market stations to be totally "plugged-in" to their communities, and as a matter of necessity we involve a great many local citizens in our day-to-day programming, and in a small community, where you run into the mayor or city councilmen while shopping at the local grocery or drug store, and they know you well enough to discuss the station's programs, it is overkill to ask these same people you see every day or every week to serve on an Advisory Board.

4. *Remote Station Operation.* The Commission believes that the prevalence of automated broadcast operations which allow the operation of stations

without a local presence has a negative impact upon the licensees' ability to determine and serve local needs. The Commission is proposing that licensees maintain a physical presence at each radio broadcasting facility during all hours of operation.

## **B. NATURE AND AMOUNT OF COMMUNITY-RESPONSIVE PROGRAMMING**

1. *Local Programming Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce renewal application processing guidelines that will ensure that all broadcasters provide some locally-oriented programming. The Commission proposes that renewal applications filed by licensees that have met or exceeded the prescribed minimum percentages will be processed by the Media Bureau on delegated authority while those that do not will require consideration by the full Commission for a consideration of whether license renewal is in the public interest.

We believe that for small market radio stations, that must live, work, trade, and play in our small towns, the Commission's conclusion to reintroduce renewal guidelines involving meeting a "quota" of local programs is totally unnecessary and an insult to the way we operate. We must of necessity do a large amount of local

programming in order to gain local advertisers, and survive. For example, following is a list of local programming by our station:

17 – local Newscasts per day/ 88 per week, Community Calendar – 14 times per week, Talk of the Town (30 minute morning drive, daily talk show featuring Local people, from all over the community as guests), Swap Shop – Free opportunity for listeners to buy, sell, and trade unwanted items, Daily Devotional Programs – 3 times per day, hosted by local clergy, high schools sports (all football, basketball{including girls} games from local high schools broadcast live), County Spelling Bee (all county schools, including “home-schoolers” in annual county championship broadcast live), election coverage (prior to election all local candidates are invited to appear on the air, either individually or in a candidates forum. Election night coverage includes reports from each precinct (with high school students serving as collectors of totals from each polling place), Live On Location (approximately 40 broadcasts per year from community events, United Way kick-off, Red Cross Bloodmobile, business ribbon-cuttings, 4rth of July parade, Christmas Parade, local festivals), Sunday church Programs (7 local churches sponsor weekly programs), Chamber Minute (daily 1-minute program to promote chambver of commerce events).

2. *Main Studio Rule.* The Commission concludes that licensees be required to locate their main studios within the local communities so that they are “part of the neighborhood” thus reverting to the Commission’s pre-1987 main studio rule in order to encourage broadcasters to produce locally originated programming.

We strongly disagree with the conclusion that main studios should be located within the local community of license. In 1992 we assumed ownership of a Class A FM station, licensed to Mitchell, Indiana, a town of 2000 people, located 10 miles away from our AM studios. We tried for six months to operate this station from a studio in Mitchell, but we just could not generate enough revenue to pay the rent, utilities, and salaries to make it viable, financially. We took advantage of the Commission's “25-mile rule” and moved the studios to our WBIW-AM location. We have since provided 24 hour 7-days a week service to this community 10 miles away, and we can use our WBIW personnel to provide coverage of the community's local events, school events, and community news. We are truly providing a “local station” to this community which would not have local radio without our efforts.

3. *AM Use of FM Translators.* The Commission is proposing to expand the purpose and permissible service of FM translator stations to allow their use to provide fill-in service for AM radio stations, concluding (1) daytime-only AM licensees should be permitted to originate programming over fill-in FM translators during the nighttime hours when their stations are not authorized to operate; and

(2) any AM station should be permitted to operate an available FM translator to retransmit its AM programming as a fill-in service, as long as no portion of the 60 dBu contour of the FM translator exceeds the lesser of: (a) the 2 mV/m daytime contour of the AM station or; (b) the 25-mile radius of the AM transmitter site.

## **C. POLITICAL PROGRAMMING**

1. *Enhanced Disclosure.* In the political programming area, as noted above for television licensees the Commission has replaced the issues/programs lists that television broadcasters now maintain in their public files with a standardized form. Included in the new television form's categories of programming is local electoral affairs programming, defined as candidate-centered discourse focusing on the local, state and United States Congressional races for offices to be elected by a constituency within the licensee's broadcast area. Television licensees must disclose the total average number of hours per week aired of such programming on each primary and non-primary channel. In addition, they must provide detailed information for each such program, including its title, dates and times of broadcast, length and whether it was locally produced. The Commission has inquired as to whether radio station licensees should also be subject to such enhanced disclosure requirements. Our response, as noted above is that radio stations, particularly small market radio stations should NOT be subject to the Commissions enhanced disclosure requirements, since it is an absolute daily necessity that small market



stations be totally immersed in their communities in order to survive, and our stations are involved daily in producing local, responsive programs involving local citizens, discussing local issues and problems and opportunities.

#### **D. PAYOLA / SPONSORSHIP IDENTIFICATION**

1. *Sponsorship Identification/Payola.* The Commission believes that many reported practices throughout the broadcast industry appear to violate its sponsorship identification rules. The Commission believes that its sponsorship identification rules are sufficient for its regulatory purposes and there is no need to revise them.

2. *Voice-Tracking.* The Commission is seeking comment on the prevalence of voice-tracking and whether it can and should take steps to limit the practice, require disclosure, or otherwise address it, believing that such practices may diminish the presence of licensees in the communities and thus hinder their ability to assess the needs and interests of their local communities.

3. *National Playlists.* The Commission seeks comment on whether it should require licensees to file data with it regarding their airing of the music and other performances of local artists and how they compile their stations' playlists, which the Commission would use in its consideration of the renewal applications of the stations to which they relate, in evaluating the overall station performance

under localism. The Commission seeks comment on the appropriate form for these disclosures and ask what information should be supplied.

## **E. LICENSE RENEWAL PROCEDURES**

1. *Shortened License Terms.* The Commission states that it is not persuaded by some commenters' suggestions that it shorten broadcast license terms to some period less than the eight years that Congress authorized in the Telecommunications Act of 1996.

2. *Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce specific procedural guidelines for the processing of renewal applications for stations based on their localism programming performance. The Commission asks whether these guidelines be expressed as hours of programming per week or, as in the past, percentages of overall programming; should the guidelines cover particular types of programming, such as local news, political, public affairs and entertainment, or simply generally reflect locally-oriented programming; what should the categories and amounts or percentages be; should the Commission adopt processing guidelines regarding specific types of locally-oriented programming to be aired at particular times of the day; should the Commission create other renewal processing guidelines that give processing priority

to stations that meet certain measurable standards; and how should the Commission define local programming and must it be locally produced?

We believe that localism performance guidelines should be avoided, but if the Commission feels this is necessary, then we strongly urge the Commission to permit small market radio stations to merely list their “regular local programs”, and avoid the time or percentage dictates.

In conclusion, WBIW AM Radio submits that the above comments should be taken into consideration by the Commission in issuing its decision in the above-referenced proceeding.

Respectfully submitted,

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